

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIAGEO NORTH AMERICA, INC.,

Plaintiff,

v.

W.J. DEUTSCH & SONS LTD. d/b/a  
DEUTSCH FAMILY WINE & SPIRITS, and  
BARDSTOWN BARREL SELECTIONS  
LLC,

Defendants.

No. 1:17-cv-04259-LLS

Hon. Louis L. Stanton

DECLARATION OF GIANNI P. SERVODIDIO IN SUPPORT OF  
DIAGEO'S MOTION TO EXCLUDE THE TESTIMONY  
OF MATTHEW G. EZELL

I, Gianni P. Servodidio, hereby declare:

1. I am a partner with the law firm of Jenner & Block LLP, counsel for Plaintiff Diageo North America, Inc. ("Diageo"). I am admitted to practice in this Court. I submit this declaration in support of Diageo's Motion to Exclude the Testimony of Matthew G. Ezell. The statements made in this declaration are based on my personal knowledge or on information provided to me by Diageo or by colleagues or other personnel working under my supervision on this case.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert Report of Hal Poret, which was prepared in the above-captioned matter and submitted on behalf of Diageo on March 1, 2019.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Expert Report of Matthew G. Ezell, which was prepared in the above-captioned matter and submitted on behalf of

W.J. Deutsch & Sons Ltd. and Bardstown Barrel Selections LLC (collectively, “Deutsch”) on March 1, 2019.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the deposition transcript of the May 17, 2019 deposition of Matthew Ezell, taken in the above-captioned matter.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Expert Rebuttal Report of Hal Poret, which was prepared in the above-captioned matter and submitted on behalf of Diageo on April 12, 2019.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Rebuttal Report of Dr. Michael Rappeport, which was prepared in the above-captioned matter and submitted on behalf of Deutsch on April 12, 2019.

7. Attached hereto as **Exhibit 6** is a compilation of true and correct copies of documents depicting Bulleit and Redemption selling for less than \$30.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a December 18, 2016 email thread involving Tom Steffanci, Susan Kilgore, Peter Deutsch, et al., attaching a slidedeck, produced in this action as DFWS00080752.

9. Attached hereto as **Exhibit 8** is a true and correct copy of March 14, 2017 Deutsch internal correspondence related to Deutsch’s placement of the Redemption bottle next to the Bulleit bottle on retail shelves, produced in this action as DFWS00063277.

10. Attached hereto as **Exhibit 9** is a true and correct copy of March 16, 2017 Deutsch internal correspondence related to Deutsch’s placement of the Redemption bottle next to the Bulleit bottle on retail shelves, produced in this action as DFWS00060134.

11. Attached hereto as **Exhibit 10** is a true and correct copy of December 8, 2016 Deutsch internal correspondence related to Deutsch's placement of the Redemption bottle next to the Bulleit bottle on retail shelves, produced in this action as DFWS00057275.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an April 7, 2016 email thread involving Richard Boone, Susan Kilgore, Jennifer Thomason, and Courtney Provini, produced in this action as DFWS00035893.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of December 2020 in New York, New York.

/s/Gianni P. Servodidio  
Gianni P. Servodidio